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8 IN THE UNITED STATES DISTRICT COURT
9
10 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 CARLOS IVAN CAMPANA and JESUS
14 ADRIAN PENA-GAMEZ,
15 Defendants.

CASE NO. 1:21-CR-00107-DAD-BAM
STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER
DATE: September 22, 2021
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

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17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendants, by and
19 through defendants' counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was scheduled for a status conference on September 22,
21 2021.

22 2. By this stipulation, the parties move to continue the status conference until December 8,
23 2021, or the Court's earliest convenience, and to exclude time from calculation under the Speedy Trial
24 Act between September 22, 2021, and December 8, 2021.

25 3. The parties agree and stipulate, and request that the Court find the following:

26 a) Initial discovery was transmitted to defendants on May 3, 2021. This discovery consisted
27 of 329 Bates-numbered items, including numerous audio and video recordings and reports of
28 investigation. The initial discovery was transmitted under cover letter inviting defense counsel

1 to contact the government in the event they wished to inspect any physical evidence seized
2 during the investigation of the case.

3 b) On June 25, 2021, the government transmitted supplemental discovery to the defendants,
4 consisting of Spanish-to-English transcriptions of recorded telephone calls previously produced.

5 c) Counsel for defendants desire additional time to review discovery, consult with their
6 clients, conduct investigation and research related to the charges, and to otherwise prepare for
7 trial.

8 d) Counsel for defendants believe that failure to grant the above-requested continuance
9 would deny them the reasonable time necessary for effective preparation, taking into account the
10 exercise of due diligence.

11 e) Based on the above-stated findings, the ends of justice served by continuing the case as
12 requested outweigh the interest of the public and the defendants in a trial within the original date
13 prescribed by the Speedy Trial Act.

14 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.,
15 within which trial must commence, the time period of September 22, 2021 to December 8, 2021,
16 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it results
17 from a continuance granted by the Court at defendants' request on the basis of the Court's
18 finding that the ends of justice served by taking such action outweigh the best interest of the
19 public and the defendants in a speedy trial.

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1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act provide that additional time periods are excludable from the period within which a trial
3 must commence.

4 IT IS SO STIPULATED.

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6 Dated: September 14, 2021

PHILLIP A. TALBERT
Acting United States Attorney

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8 By: /s/ CHRISTOPHER D. BAKER
9 CHRISTOPHER D. BAKER
10 Assistant United States Attorney

11 /s/ DAVID A. TORRES
12 DAVID A. TORRES
13 Counsel for defendant Carlos Ivan Campana

14 /s/ REED GRANTHAM
15 REED GRANTHAM
16 Counsel for defendant Jesus Adrian Pena-Gamez

17 **ORDER**

18 IT IS SO ORDERED that the status conference is continued from September 22, 2021, to
19 **December 8, 2021, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded
20 pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

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22 IT IS SO ORDERED.

23 Dated: September 15, 2021

24 /s/ Barbara A. McAuliffe
25 UNITED STATES MAGISTRATE JUDGE